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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KESHAV BHATTARAI; SAJJAN PANDEY;
SUMNIMA THAPA; DONALDO POSADAS
CACERES; SORAYDA RODRIGUEZ
MOTIÑO; DENIS MOLINA CHAVEZ; S.S.,
individually and on behalf of others similarly
situated; and G.D.P., individually and on
behalf of others similarly situated,

Plaintiffs,

v.

KIRSTJEN NIELSEN, in her official capacity
as Secretary of Homeland Security; ELAINE
C.DUKE, in her official capacity as Deputy
Secretary of Homeland Security; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; and UNITED STATE OF
AMERICA

Defendants.

Case No. 3:19-cv-00731-EMC

JOINT STATUS REPORT

The Honorable Edward M. Chen

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** Institution listed for identification purposes only*

As ordered by the Court, Dkt. No. 38, the Parties hereby file this joint statement setting forth the current status of this action.

Pursuant to the Parties' stipulation, this action is stayed pending final disposition of Defendants' appeal of the preliminary injunction in *Ramos v. Nielson*, No. 18-01554 ["*Ramos* appeal"] or other order of this Court. Dkt. No. 23.

Defendants' *Ramos* appeal remains pending. On September 14, 2020, a divided panel of the Ninth Circuit vacated this court's preliminary injunction. ECF No. 96.¹ On November 30, 2020, the *Ramos* Plaintiffs filed a timely Petition for Panel Rehearing and Rehearing En Banc. ECF No. 102. On December 9, 2020, the Court of Appeals ordered Defendants to file a response, which Defendants did on January 14, 2021. ECF Nos. 103, 106. At the Parties' request, further proceedings on Plaintiffs' Petition for Panel Rehearing and Rehearing En Banc have been stayed and the *Ramos* appeal has been referred to the Ninth Circuit Mediation Program for settlement discussions. ECF No. 117. Negotiations remain active. *See, e.g.* ECF No. 140 (setting June 9, 2022 mediation conference). The Parties expect that if they are able to reach a settlement in the *Ramos* appeal, the agreement would encompass and resolve the claims in this action as well.

Dated: June 21, 2022

Respectfully submitted,

/s/ Alycia A. Degen
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¹ "ECF" citations refer to the docket for the *Ramos* appeal.

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Counsel for Defendants

CIVIL LOCAL RULE 5-1(h) ATTESTATION

Pursuant to Local Rule 5-1(h)(3), regarding signatures, Alycia A. Degen hereby attests that concurrence in the filing of this document has been obtained from counsel for Defendants.

Dated: June 21, 2022

/s/ Alycia A. Degen